

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JANA SMITH,

Plaintiff,

v.

**MARK DOWNEY, ARIELL
HARTWELL, and MICHAEL OWEN
STEVENS,**

Defendants.

Case No. 3:21-cv-00454-JR

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Frank Hamlet Wall, Frank Wall, LLC, 4411 NE Tillamook, Portland, OR 97213. Attorney for Plaintiff.

Mark Downey, 3814 NE Hassalo St., Portland, OR 97232. Pro se Defendant.

Robert Roosevelt Parker, Jr., Law Office of Robert R. Parker, Jr., LLB LLC, 111 SW Fifth Ave., Suite 3150, Portland, OR 97204. Attorney for Defendant Ariell Hartwell.

Michael O. Stevens, Stevens & Legal, 1915 NE Stucki Ave., Suite 308, Hillsboro, OR 97006. Pro se Defendant.

IMMERGUT, District Judge.

On August 7, 2023, Magistrate Judge Jolie A. Russo issued her Findings and Recommendations (“F&R”). ECF 88. The F&R recommends that Defendant Mark Downey’s Motion to Dismiss, ECF 75, be denied. No party filed objections.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. Judge Russo’s F&R, ECF 88, is adopted in full. Defendant Downey’s Motion to Dismiss, ECF 75, is DENIED.

IT IS SO ORDERED.

DATED this 31st day of August, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge